

REMARKS/ARGUMENTS

Claims 1-6 were previously pending in the application. Claims 1-6 are canceled and new claims 7-26 are added herein. Assuming the entry of this amendment, claims 7-26 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

In paragraph 1, the Examiner objected to claim 6 for certain informalities. In paragraph 2, the Examiner rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Ishii. Since claims 1-6 are canceled, the objections to and rejections of those claims are now moot. For the following reasons, the Applicant submits that claims 7-26 are allowable over Ishii.

Claim 7 is directed to a device having a deformable layer and first and second electrode layers. The deformable layer is supported on a first substrate and adapted to move with respect to the first substrate. The first and second electrode layers are disposed in proximity to the deformable layer such that the deformable layer is located between the first and second electrode layers and is physically separated from each of the first and second electrode layers by a respective opening. Each of the first and second electrode layers enables motion of the deformable layer with respect to the first substrate.

Ishii discloses a deformable mirror having a flexible member 2 and a lower electrode layer 12 (see Ishii's Fig. 2). Flexible member 2 includes an upper electrode layer 8 and a reflective film 10 deposited over the upper electrode layer. If either upper electrode layer 8 or reflective film 10 is interpreted as an example of the "deformable layer" recited in claim 7, then there is no teaching or suggestion in Ishii at least for the limitation of "the deformable layer is located between the first and second electrode layers and is physically separated from each of the first and second electrode layers by a respective opening," explicitly recited in claim 7.

For at least this reason, the Applicant submits that claim 7 is allowable over Ishii. For similar reasons, the Applicant submits that claims 19 and 26 are also allowable over Ishii. Since claims 8-18 and 20-25 depend variously from claims 7 and 19, it is further submitted that those claims are also allowable over Ishii.

Each of claims 8 and 20 further specifies that the first electrode layer is adapted to transmit light; a surface of the deformable layer is adapted to reflect light; and the light received and reflected by the surface passes through the first electrode layer. The Applicant submits that Ishii does not teach or suggest similar limitations. For example, both upper and lower electrode layers 8 and 12 of Ishii are shielded from light by reflective film 10 and, as such, are not adapted to transmit light. These facts provide additional reasons for the allowability of claims 8 and 20 over Ishii.

Each of claims 9 and 21 further specifies that displacement of the deformable layer with respect to a rest position enabled by the first electrode layer is in a substantially opposite direction to displacement of the deformable layer with respect to said rest position enabled by the second electrode layer. The Applicant submits that Ishii does not teach or suggest a similar limitation because flexible member 2 can be displaced only in one direction, i.e., toward lower electrode layer 12. These facts provide additional reasons for the allowability of claims 9 and 21 over Ishii.


Each of claims 10 and 22 further specifies that each of the first and second electrode layers is adapted to be electrically biased with respect to the deformable layer. The Applicant submits that Ishii does not teach or suggest a similar limitation. More specifically, while lower electrode layer 12 can be electrically biased with respect to upper electrode layer 8, the upper electrode layer and reflective film 10

are parts of flexible member (deformable layer) 2 and are in electrical contact with one another. As such, neither upper electrode layer 8 nor reflective film 10 can be electrically biased with respect to the "deformable layer." These facts provide additional reasons for the allowability of claims 10 and 22 over Ishii. Since claims 11-13 depend variously from claim 10, these additional reasons similarly apply to those claims as well.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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